

1501816-Court-A-U.S.
CHAD W. HAMMONDS
PO BOX 7
MAXTON, NC 28364-0000

IN RE
TALMADGE LORENZO BARNETT JR.
P. O. BOX 3777

LUMBERTON, NC 28359
SSN or Tax I.D. XXX-XX-4322

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 15-01816-5-DMW

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 08/20/2015, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
TALMADGE LORENZO BARNETT JR.	CHAD W. HAMMONDS	Joseph A. Bledsoe, III
P. O. BOX 3777	PO BOX 7	P.O. Box 1618
LUMBERTON, NC 28359	MAXTON, NC 28364-0000	New Bern, NC 28563

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 20, 2015

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

CASE NUMBER: 15-01816-5-DMW

TALMADGE LORENZO BARNETT, JR.

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on May 5, 2015, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,099.00	for	2	Months
\$1,652.00	for	55	Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before August 8, 2015 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 28, 2015 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#900 First South Bank	H/L @ 240 Cavalier St	Outside
#902 First South Bank	H/L @ 240 Cavalier St pre-petition arrears	\$688.94 to be paid over life of plan

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#800 Bayview Loans	Residence	Contractual payment in the amount of \$569.61 to be made by Trustee effective with the July 2015 payment
#801 Bayview Loans	Residence administrative arrearage claim	\$1,139.22 to be paid over life of plan (May and June 2015 payments)
#802 Bayview Loans	Residence pre-petition arrears	\$6,308.25 to be paid over life of plan
#020 Bayview Loans	Residence mortgage fees	\$300.00 to be paid over life of plan

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#012 World Omni	'13 Toyota Corolla	\$14,243.64 @ 5.25% to be paid over life of plan

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#017 United Consumer	Vaccum	\$800.00 secured \$11.25 unsecured	5.25% to be paid over life of plan

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$2,846.00. The Trustee recommends to the Court a fee of \$2,846.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 15-01816-5-DMW****DEBTORS: TALMADGE LORENZO BARNETT, JR.****EMPLOYMENT:**

Debtor: SUNSTATE SECURITY GROSS INCOME: \$16,640.04

Spouse: RMC \$20,198.52

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$65,000.00

Date Purchased

Liens \$52,000.00

Purchase Price

Exemptions \$13,000.00

Improvements

Equity \$0.00

Insured For

Rent \$568.01

Tax Value

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: 340 CAVALIER STREET – ½ INTEREST

FMV \$40,000.00

Date Purchased

Liens \$35,000.00

Purchase Price

Exemptions \$2,500.00

Improvements

Equity \$0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$2,846.00 (excluding filing fee)**Fees:** Paid: \$46.00 (excluding filing fee)

Balance: \$2,800.00

Trustee's Recommendation: \$2,846.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$87,744.27	Pay in	\$93,058.00	Priority	100.00%
Priority	\$2,800.00	Less 6.00%	\$5,583.48	Secured	100.00%
Secured	\$54,867.02	Subtotal	\$87,474.52	Unsecured	100%
Unsecured	\$30,077.25	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$87,474.52	Co-Debts	%
Co-Debtor					

Payroll Deduction: Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☒

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes X No ☐

 If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CASE: 1501816 TRUSTEE: 2V COURT: 278
 TASK: 07-17-2015.00476453.LSA000 DATED: 07/20/2015

Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	TALMADGE LORENZO BARNETT JR.	P. O. BOX 3777 LUMBERTON, NC 28359
799	000002 CHAD W. HAMMONDS	PO BOX 7 MAXTON, NC 28364-0000
007	000017 LUMBERTON EMERGENCY MEDICAL ASSOC	PO BOX 6102 PARSIPPANY, NJ 07054-6102
008	000018 LUMBERTON EMERGENCY MEDICAL ASSOC	PO BOX 6102 PARSIPPANY, NJ 07054-6102
001	000014 B&B COLLECTIONS	PO BOX 2137 TOMS RIVER, NJ 08754-2137
003	000015 US DEPARTMENT OF EDUCATION PO BO X 69184	C/O: FEDLOAN SERVICING HARRISBURG, PA 17106-9184
004	000016 FEDLOAN SERVICING	PO BOX 69184 HARRISBURG, PA 17106-9184
010	000019 SALLIE MAE 220 LASLEY AVE	C/O SALLIE MAE INC WILKES-BARRE, PA 18706
006	000012 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
900	000007 FIRST SOUTH BANK	PO BOX 2047 WASHINGTON, NC 27889
902	000008 FIRST SOUTH BANK	PO BOX 2047 WASHINGTON, NC 27889
016	000020 SOUTHEASTERN REGIONAL MED CENTER PO BOX 580006	ATTN: PATIENT ACCOUNTS CHARLOTTE, NC 28258-0006
009	000013 ROBESON COUNTY TAX COLLECTOR 500 NORTH ELM STREET	BOX 26 COURTHOUSE LUMBERTON, NC 28358-0000
013	000021 SOUTHEASTERN REGIONAL PO BOX 1408	MEDICAL CENTER LUMBERTON, NC 28359
014	000022 SOUTHEASTERN REGIONAL PO BOX 1408	MEDICAL CENTER LUMBERTON, NC 28359
015	000023 SOUTHEASTERN REGIONAL PO BOX 1408	MEDICAL CENTER LUMBERTON, NC 28359
005	000024 FRANCES BARNETT	240 CAVALIER ST LUMBERTON, NC 28360
800	000004 BAYVIEW LOAN SERVICING LLC	4425 PONCE DE LEON BLVD, 5TH FLOOR CORAL GABLES, FL 33146
801	000005 BAYVIEW LOAN SERVICING LLC	4425 PONCE DE LEON BLVD, 5TH FLOOR CORAL GABLES, FL 33146
802	000006 BAYVIEW LOAN SERVICING LLC	4425 PONCE DE LEON BLVD, 5TH FLOOR CORAL GABLES, FL 33146
020	000028 BAYVIEW LOAN SERVICING LLC	4425 PONCE DE LEON BLVD, 5TH FLOOR CORAL GABLES, FL 33146
012	000010 WORLD OMNI FINANCIAL CORP 323 W LAKESIDE AVE 2ND FL	WELTMANN WEINBERG & REIS CO CLEVELAND, OH 44113
002	000003 BAYVIEW LOAN SERVICING, LLC	62516 COLLECTION CENTER DR CHICAGO, IL 60693

CERTIFICATE OF MAILING

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TASK: 07-17-2015.00476453.LSA000 DATED: 07/20/2015

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011	000009	SELECT PORTFOLIO SERVICING, INC	PO BOX 65277 SALT LAKE CITY, UT 84165-0250
017	000027	UNITED CONSUMER FINANCIAL 3936 E FT LOWELL RD STE 200	C/O BASS & ASSOC PC TUCSON, AZ 85712
017	000011	UNITED CONSUMER FINANCIAL 3936 E FT LOWELL RD STE 200	C/O BASS & ASSOC PC TUCSON, AZ 85712
018	000025	UNITED CONSUMER FINANCIAL 3936 E FT LOWELL RD STE 200	C/O BASS & ASSOC PC TUCSON, AZ 85712
019	000026	PATTI H. BASS 3936 E FT LOWELL ROAD STE 200	BASS & ASSOCIATES, P.C. TUCSON, AZ 85712-1083

30 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 07/20/2015.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 07/20/2015 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail